

INDIANA PHYSICAL THERAPY COMMITTEE

March 2, 2011

MINUTES

- I. Mrs. Mary Bennett, P.T. called the meeting to order at 11:15 a.m. in conference room W064 of the Indiana Professional Licensing Agency, 402 W. Washington Street, Indianapolis, IN 46204. A quorum was established.

Members Present:

Mary Bennett, P.T., Chair
Megan Certo, P.T., Member
Deborah Reed, P.T., Member

Members Absent:

Maria Fletcher, M.D., Member

State Officials Present:

Tasha Coleman, Board Director, Indiana Professional Licensing Agency
Andre Phillips, Assistant Board Director, Indiana Professional Licensing Agency
Gordon White, Board Advisory Council, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

Certo/Reed
3/0/0 Motion carried

III. ADOPTION OF THE MINUTES FROM THE DECEMBER 8, 2010 MEETING OF THE COMMITTEE

A motion was made and seconded to adopt the minutes from the December 8, 2010 meeting

Reed/Certo
3/0/0 Motion carried

VI. ADMINSTRATIVE HEARINGS

- A. In the matter of the license of Michael Ybarra, P.T.A., License Number 06003966A
Administrative Cause Number: 2009 PTC 0002
Re: Termination of Probation

Parties and Counsel Present:

Michael Ybarra, Respondent

Witnesses:

Michael Ybarra

Participating Committee Members:

Mary Bennett, P.T., Member
Megan Certo, P.T., Member

Deborah Reed, P.T, Member

Court Reporter:

Susan Hessman

Case Summary: The Committee received an application for licensure as a PTA on January 1, 2009. Due to a positive response the Committee issued his permit on probation.

Resolution: A motion was made and seconded to approve Michael Ybarra's request to terminate probation based on his ability to demonstrate that he has met all of the terms of his probation.

Certo/Reed

3/0/0 Motion carried

B. In the matter of the license of Mark Mayner, P.T., License Number 05008964A

Administrative Cause Number: 2006 PTC 0005

Re: Order to Show Cause

Re: Termination of Probation

Parties and Counsel Present:

Amanda Bailor, OAG

Mark Mayner, Respondent

Witnesses:

Mark Mayner

Participating Committee Members:

Mary Bennett, P.T., Member

Megan Certo, P.T., Member

Deborah Reed, P.T, Member

Court Reporter:

Susan Hessman

Case Summary: Mr. Mayner appeared before the Committee at the December 8, 2010 meeting as per the terms of his probationary order. At that time Mr. Mayner was not in compliance with his probationary order in that he had been terminated from his employment for unexcused absences. A motion was made and seconded to issue an Order to Show Cause for the March 2011 meeting. He is to bring with him to that meeting verification that he is meeting all of the terms of his order.

Resolution: Mark Mayner withdrew his request to terminate probation based on the fact that he is not eligible for termination of probation until June 2011. A motion was made and seconded to deny termination of probation based on the request being untimely.

Certo/Reed

3/0/0 Motion carried

Based on the evidence submitted which indicates that Mark Mayner violated the terms of his probation by not keeping the Committee abreast with the fact that he had moved and had not notified the Committee of his new address in a timely manner, being terminated from his employment based on not calling to inform his employer that he was not available to appear for work and patient abandonment. A motion was made and seconded to extend

Case Summary: On December 17, 2010 the Committee received a Complaint regarding the revocation of the Respondent's California license for petty theft.

Resolution: A motion was made and seconded to issue a notice of proposed default based on Nicole Goal's failure to appear before the Committee as requested.

Reed/Certo
3/0/0 Motion carried

- E. In the matter of the license of Wageed Girgis, P.T., License Number 05003881A**
Administrative Cause Number: 2010 PTC 0007
Re: Complaint

Parties and Counsel Present:
Darren Covington, OAG
Wageed Girgis, Respondent

Witnesses:
Wageed Girgis

Participating Committee Members:
Mary Bennett, P.T., Member
Megan Certo, P.T., Member
Deborah Reed, P.T., Member

Court Reporter:
Susan Hessman

Case Summary: On September 17, 2009 Respondents Minnesota physical therapy license was placed on "conditional" status for a minimum of three years due to a reprimand received by the Minnesota Board of Physical Therapy after having found that Respondent had practiced with "significant deviations from minimal standards of practice. On December 17, 2010 the Committee received a complaint regarding discipline of Respondent's license in the state of Minnesota.

Resolution: Based on the evidence submitted a motion was made and seconded to extend the suspension of Wageed Girgis' license for a period of five years from the date of the order written from this meeting. At such time he may request that the suspension be lifted.

Certo/Reed
3/0/0 Motion carried

- F. In the matter of the license of Carolyn Kimoden, P.T., License Number 05003517A**
Administrative Cause Number: 2010 PTC 0009
Re: Complaint

Parties and Counsel Present:
Darren Covington, OAG

Witnesses:
None

probation for one year and he may not request termination of probation until May 1, 2012.
All other terms of his current probation remain the same.

Certo/Reed
3/0/0 Motion carried

C. In the matter of the license of Carmen Schwartz, P.T.A., License Number 06002734A
Administrative Cause Number: 2010 PTC 0008
Re: Complaint

Parties and Counsel Present:
Darren Covington, OAG

Witnesses:
None

Participating Committee Members:
Mary Bennett, P.T., Member
Megan Certo, P.T., Member
Deborah Reed, P.T., Member

Court Reporter:
Susan Hessman

Case Summary: On December 17, 2010 the Committee received a Complaint which indicated that the Respondent had been disciplined in the State of Kentucky for having not completed the continuing education requirements for renewal. At the time of renewal in 2010 the Respondent did not report the Kentucky discipline.

Resolution: A motion was made and seconded to approve the settlement agreement with a \$250.00 fine.

Certo/Reed
3/0/0 Motion carried

D. In the matter of the license of Nicole Goal, P.T.A., License Number 06003377A
Administrative Cause Number: 2010 PTC 0006
Re: Complaint

Parties and Counsel Present:
Darren Covington, OAG

Witnesses:
None

Participating Committee Members:
Mary Bennett, P.T., Member
Megan Certo, P.T., Member
Deborah Reed, P.T., Member

Court Reporter:
Susan Hessman

Participating Committee Members:

Mary Bennett, P.T., Member

Megan Certo, P.T., Member

Deborah Reed, P.T., Member

Court Reporter:

Susan Hessman

Case Summary: On December 20, 2010 the Committee received a complaint regarding discipline against Respondent's Missouri physical therapy license by the Missouri Board of Registration for working on a suspended license.

Resolution: A motion was made and seconded to issue a notice of proposed default based on Carolyn Kimoden's failure to appear before the Committee as requested.

Reed/Certo

3/0/0 Motion carried

G. In the matter of the license of Eric Mirarchi

Administrative Cause Number: 2010 PTC 0003

Re: Notice of Proposed Dismissal

Parties and Counsel Present:

Eric Mirarchi, Respondent

Witnesses:

Eric Mirarchi

Participating Committee Members:

Mary Bennett, P.T., Member

Megan Certo, P.T., Member

Deborah Reed, P.T., Member

Court Reporter:

Susan Hessman

Case Summary: On June 22, 2010 the Committee denied the Respondent's application for licensure as a physical therapist due to his failure to sit for and pass the licensing exam within the designated timeframe. On July 19, 2010 the Respondent issued a notice of appeal and requested a hearing to appeal the denial of his license. On December 8, 2010 the Committee issued a Notice of Proposed Dismissal for failure to appear on his own request for review of the Committee's denial of his license.

Resolution: A motion was made and seconded to dismiss the appeal of Eric Mirarchi based on his failure to respond to the Committee's Notice of Proposed Dismissal within the timeframe given.

Certo/Reed

3/0/0 Motion carried

VII. APPLICATION REVIEW

A. Ishankumar Modi

Re: Credentials Evaluation

A motion was made and seconded to deny the examination application of Ishankumar Modi based on his credentials evaluation which states that his foreign education is not substantially equivalent to the first professional degree in physical therapy obtained in the United States.

Reed/Certo
3/0/0 Motion carried

B. Takakkumar Patel

Re: Credentials Evaluation

A motion was made and seconded to deny the examination application of Takakkumar Patel based on his credentials evaluation which states that his foreign education is not substantially equivalent to the first professional degree in physical therapy obtained in the United States.

Reed/Certo
3/0/0 Motion carried

C. Edgar Ombos

Re: Credentials Evaluation

A motion was made and seconded to deny the examination application of Edgar Ombos based on his credentials evaluation which states that his foreign education is not substantially equivalent to the first professional degree in physical therapy obtained in the United States.

Reed/Certo
3/0/0 Motion carried

D. Letha Engelman

Re: Renewal Application

A motion was made and seconded to deny the renewal application of Letha Engelman based on the fact that she had not retaken the national examination as directed at the December 2009 meeting of the Committee.

Reed/Certo
3/0/0 Motion carried

VIII. DISCUSSION

A. Probation Report by Megan Certo

Megan Certo gave a probationary report. All probationers are compliant with their probationary orders.

B. Continuing Competency

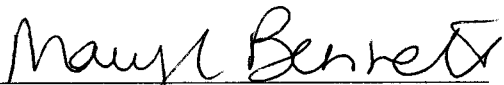
Mary Bennett advised the Committee there is a proposed rule which would require continuing competency. The Committee would need to look at writing rules regarding CE or CC.

C. FSBPT: Georgia Ruling

Mary Bennett gave the Committee information pertaining to the Georgia ruling which would eliminate the Georgia Board from upholding the Federations NPTE-yearly. The Georgia ruling found that it would be unconstitutional for Georgia to refuse to accept applications from the foreign countries or to require them to take the NPTE-yearly. The Federation will be instituting fixed date testing for all applicants.

IX. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Physical Therapy Committee adjourned at 3:40 pm.


Mary Bennett, PT